

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No. 4977 of 2006

Date of Decision: 26.09.2006

ING Infotek International Pvt. Limited ...Petitioner

Vs.

The Haryana Warehousing Corporation ...Respondent

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Shri Vivek Aditya petitioner in person.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed seeking directions to the Additional District Judge, Panchkula for disposing of an application moved under Order 6 Rule 15 (iv) read with section 151 of the Code of Civil Procedure (for short the Code) for rejecting the reply filed by respondents Nos. 1 and 2.

The petitioner herein has filed objections against the award

passed by the Arbitrator which is an ex parte award against the petitioner and the petitioner has filed an application under Section 34 of the Arbitration and Conciliation Act (for short the Act) challenging the said order. Reply to the said application has been filed by the respondent wherein the petitioner has made an application under Order 6 Rule 15 of the Code for rejection of the plaint.

Order 6 Rule 15 of the Code is only a procedure which lays down that the pleadings have to be completed by affidavits in the arbitration proceedings. The court has to give arbitration award on the basis of evidence led before it. The objections filed by the petitioner to the said award can be decided without leading evidence on the application under Section 34 of the Act as the Court is competent to proceed with the matter on the basis of the evidence led before the Arbitrator. Even otherwise, the Code as such is not applicable to the arbitration proceedings. No directions as prayed for can be issued.

Therefore, the present revision petition is dismissed.

Copy of the order be given dasti to the petitioner on payment of usual charges.

26.09.2006
rp

(Vinod K.Sharma)
Judge